United Nations A/70/201

General Assembly

Distr.: General
27 July 2015

Original: English

Seventieth session
Item 63 of the provisional agenda*
Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples

Question of Western Sahara

Report of the Secretary-General

Summary

The present report, submitted pursuant to General Assembly resolution 69/101, provides a summary of the most recent report submitted by the Secretary-General to the Security Council on the situation concerning Western Sahara (S/2015/246) and an update on developments since the publication of that report, covering the period from 1 July 2014 to 30 June 2015.

* A/70/150.

15-12624 (E) 120815

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1. On 5 December 2014, the General Assembly adopted resolution 69/101 on the question of Western Sahara without a vote. The present report, covering the period from 1 July 2014 to 30 June 2015, is submitted in accordance with paragraph 7 of that resolution.

2. The Security Council addresses Western Sahara as a matter of peace and security, calling in successive resolutions for a "mutually acceptable political solution, which will provide for the self-determination of the people of Western Sahara". The Fourth Committee of the General Assembly (Special Political and Decolonization Committee) and the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples address Western Sahara as a Non-Self-Governing Territory and an issue of decolonization.

3. Pursuant to Security Council resolution 2152 (2014), the Secretary-General submitted a report to the Council on the situation concerning Western Sahara (S/2015/246) in which he informed the Council of the activities of his Personal Envoy, Christopher Ross, to promote negotiations on the future of Western Sahara and of the existing challenges to the operations of the United Nations Mission for the Referendum in Western Sahara (MINURSO).

4. The renewed and sustained efforts of the United Nations notwithstanding, there has been no progress towards resolving the dispute over the status of Western Sahara. In that respect, the efforts of the Personal Envoy and of MINURSO remain more relevant than ever.

5. During the reporting period, Morocco expressed strong reservations regarding elements of the 2014 report of the Secretary-General to the Security Council (S/2014/258), the contours of the negotiating process and the mandate of MINURSO. It requested clarifications for the purpose of ensuring that, from its perspective, the negotiating process would proceed smoothly, including with regard to the preparation of the reports of the Secretary-General to the Council. That led to a protracted period of exchanges to address those issues during which the new Special Representative of the Secretary-General for Western Sahara and Head of MINURSO, Kim Bolduc (Canada), was unable to deploy. She eventually arrived in the Mission on 6 February 2015, despite having been appointed on 12 May 2014 and expected to assume her functions on 1 September 2014.

6. On 22 January 2015, King Mohammed VI and the Secretary-General spoke by telephone and agreed on the way forward. The Secretary-General gave assurances that great care would be taken in the preparation of his future reports and that he would not seek a change in the mandate of MINURSO. On that basis, the Special Representative could take up her duties in Laayoune and the Personal Envoy of the Secretary-General could resume his activities. After the call, the Personal Envoy undertook two rounds of consultations in the region, in February and March, to re-establish contact with interlocutors old and new, strengthen confidence in the negotiating process and clarify the way forward.

7. During his meetings, the Personal Envoy highlighted the importance of negotiating without preconditions and in good faith and urged the parties to move beyond their respective proposals by seeking innovative approaches that could help to achieve progress towards "a mutually acceptable political solution, which will provide for the self-determination of the people of Western Sahara", as called for in

successive Security Council resolutions. As on earlier visits, he also underscored that flexibility was needed from all concerned if progress were to be made, given that the negotiating process was being conducted under Chapter VI of the Charter of the United Nations, while acknowledging that each party was thus free to accept or reject the proposals of the other. He recalled that, for the United Nations, the formal parties to the negotiations were Morocco and the Frente Popular para la Liberación de Saguia el-Hamra y de Río de Oro (Frente Polisario). He also reiterated his availability to continue to encourage neighbouring States to contribute to finding a way forward.

8. During the tour of the Personal Envoy to the region in February, the Moroccan authorities expressed the hope that the negotiating process would develop in a serene way and without surprises. They also reiterated the long-standing position of Morocco that the autonomy proposal that it had presented in 2007 should serve as the basis for negotiation. In Rabouni, near Tindouf, Algeria, the Frente Polisario leaders expressed disappointment at the lack of progress in the negotiating process, voiced regret that the Secretary-General had provided assurances to Morocco without consulting them as the other party and manifested their unhappiness over what they perceived as a lack of attention from the United Nations to their express concerns, including the preparation of the report of the Secretary-General to the Security Council.

9. In Nouakchott, the Mauritanian authorities reiterated their long-standing position of "positive neutrality", underlining the negative spillover effects of the absence of a resolution of the conflict, in particular with regard to drug trafficking. In Algiers, the authorities also reiterated their long-standing position regarding the importance of holding a referendum of self-determination to determine the future of Western Sahara. They further insisted on the significance of a balanced negotiating process under the auspices of the United Nations and strongly criticized the provision of what they termed "unilateral and counterproductive" assurances to Morocco.

10. In March, the Personal Envoy returned to the region to consult on the next steps. He emphasized the dangers of the situation in the Sahelo-Saharan region, the growing frustrations in the refugee camps and the importance of an early solution to the Western Sahara conflict. A consensus emerged that a return to face-to-face discussions between the parties was premature and that he should continue his programme of bilateral consultations and shuttle diplomacy for the foreseeable future.

11. During the period from February to April, the Personal Envoy also initiated a new series of consultations with members of the Group of Friends of Western Sahara, visiting successively Madrid, Paris, London, Moscow and Washington, D.C. In those discussions, he sought the renewed support of his interlocutors for his efforts. He highlighted the importance of increased pressure on both parties to effectively address both the substance of a mutually acceptable political solution and the means of exercising self-determination. He drew attention to the growing security threats in the Sahelo-Saharan region, including a possible future nexus between the frustrated refugee population, especially its young people, and the expanded activities of criminal and violent extremist and terrorist groups. He also requested the members of the Group to join him in impressing upon the parties the

need for flexibility in the search for a compromise. Interlocutors in all five capitals expressed their support for his efforts.

12. On 15 April, MINURSO reduced its operations east of the berm in response to the implementation by Frente Polisario of passport-stamping requirements for Mission personnel on arrival in and exit from the area under its control, replicating the Moroccan practice in the western part of the Territory. It resumed full operations on 9 May following the temporary suspension of those requirements by Frente Polisario.

13. The Office of the United Nations High Commissioner for Human Rights (OHCHR) conducted a mission to Morocco and Western Sahara from 12 to 18 April to assess human rights developments and existing challenges on the ground and to explore ways to cooperate to ensure the effective protection of human rights in Western Sahara. During the mission, the OHCHR team met a wide spectrum of government officials, local authorities, the Moroccan National Human Rights Council, civil society representatives and victims to complete its assessment. OHCHR will carry out a similar mission to the refugee camps near Tindouf in the middle of 2015. Those missions and other future forms of cooperation should contribute to an independent and impartial understanding of the human rights situation in both Western Sahara and the camps, with the goal of ensuring protection of all, as well as to comprehensive and sustained implementation of international human rights standards by the parties. The issue of human rights remains important to any resolution of the conflict.

14. After the adoption by the Security Council of resolution 2218 (2015) in April, the Secretary-General deployed the Chef de Cabinet to the region to give new impetus to the negotiating process. The visit also served to convey the personal commitment and engagement of the Secretary-General through a call for stronger political will and a return to the negotiating table before his scheduled visit to the region later in 2015. Her visit also offered an opportunity to respond to the questions of the parties and to reiterate the full confidence of the Secretary-General in his Personal Envoy and his approach.

15. The engagement of MINURSO with the authorities west of the berm declined in the months before the Special Representative of the Secretary-General was able to deploy. This included a decline in contacts with senior officials, whose interlocutor in implementing the MINURSO mandate is normally the Special Representative.

16. During the reporting period, MINURSO observed one new violation of freedom of movement by the Royal Moroccan Army, while nine long-standing violations remained. East of the berm, MINURSO recorded two new violations and two freedom-of-movement violations by Frente Polisario forces, while three long-standing violations remained. In their discussions with MINURSO, both parties reiterated their commitment to the ceasefire. The Mission's assessment is that both parties remain fully committed to and respectful of the ceasefire and that the violations observed do not jeopardize it in the medium term. Rather, as has been observed in previous reports, they have resulted in a gradual shift in the original military status quo over the years.

17. Both parties continue to diverge significantly in their interpretation of the MINURSO mandate, a situation that continues to have an impact on the credibility

of the Mission vis-à-vis the parties, affecting its ability to fully implement its mandate and exercise standard peacekeeping functions. For the United Nations, the successive Security Council resolutions define the mandate of MINURSO. In parallel, the standard peacekeeping functions performed by United Nations missions throughout the world, including assessments of and reporting on local conditions that may affect their operations and the political processes, underpin the effective implementation of that mandate.

18. While the security environment in Western Sahara appears generally stable, the longer-term effects of regional instability remain of serious concern for the Secretary-General, as well as for the Mission, the parties and their neighbours, all of which have taken additional security measures to prevent infiltration by violent extremist and terrorist groups. Given the potential effects of increasing regional insecurity, MINURSO enhanced attention to and assessment of security conditions in its area of operation, requiring military observers to maintain a state of high alert and to keep the Mission abreast of suspected illegal activities that could affect their safety.

19. The new Special Representative of the Secretary-General arrived in the Mission on 6 February 2015, following the conclusion of her predecessor's assignment on 31 July 2014. She had performed the MINURSO leadership function from Headquarters in New York since 15 November 2014. Upon her deployment, the Moroccan authorities assured her of their intention to cooperate fully with MINURSO in all matters concerning the implementation of the Mission's mandate as defined by the Security Council. They indicated that prior agreements and procedures would be maintained. For its part, the Frente Polisario leadership renewed its commitment to full support for and cooperation with the Special Representative in implementing the Mission's mandate. The liaison office in Tindouf maintained constructive cooperation with the civilian and military components of Frente Polisario on all matters relating to the implementation of the Mission's mandate.

20. As stated during his briefing to the Security Council in April, the Personal Envoy is seeking to give new impetus to the negotiating process between Frente Polisario and Morocco. He insisted upon the need for rapid progress towards a solution, underscoring that the international community could not stand aside as the tens of thousands of refugees lost faith in a political solution and considered bellicose alternatives. He stressed that, in the light of the increasingly complex dynamics in the region, it was time to encourage both parties to commit themselves seriously to the negotiating process. In particular, he warned that the worsening security situation in the region, the proximity of criminal, extremist and terrorist groups and the increasing frustration of young people constituted a dangerous nexus that could potentially result in instabilities in the region.

21. The conflict presents very real dangers in a region that is particularly volatile. If unleashed, forces at play may pose threats that are beyond any single actor's control. Addressing those challenges requires cooperation among all stakeholders. The Secretary-General is convinced that the conflict can and must be resolved as soon as possible. It is up to the entire international community to urge the parties and the neighbouring States to do their part in making real progress.